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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Nicola STRAGAPEDE

Serial No.: 10/065,444

Confirmation No.: 1357

Filed: October 18, 2002

For: CONTROL METHOD FOR AN AUTOMATIC
TRANSMISSION OF AN ENGINE-DRIVEN
VEHICLE

Group Art Unit: 3682

Examiner: Gertrude A. Jeanglaude

Atty. Dkt. No.: 12693.0018.00US00
(STUD:018)

TRANSMITTAL OF ISSUE FEE

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL MAILING LABEL

NUMBER EV318621604US

DATE OF DEPOSIT: September 7, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Bachi Sofia
Signature

In response to the Notice of Allowance and Issue Fee Due dated June 14, 2004, the following documents are forwarded for appropriate action by the Office:

- ☒ Issue Fee Transmittal (Form PTOL-85B), including a copy of Form PTOL-85B when paying by deposit account; and
- ☒ Return postcard.
- ☒ Application for Patent Term Adjustment.



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Fee Authorization

Fee	Amount for Large Entity
Issue Fee	\$1330.00
Publication Fee	\$300.00
Total:	\$1630.00

The undersigned representative authorizes the Commissioner to charge the \$1630.00 to Deposit Account No. 01-2508, referencing Order No. 12693.0011.NPUS00. The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application. The undersigned representative authorizes the Commissioner to charge any fees that may be required for any reason, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 12693.0011.NPUS00.

To facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

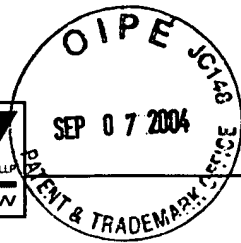
Respectfully submitted,

Ira D. Finkelstein

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Date: Sept 7 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Nicola STRAGAPEDE

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Examiner: Gertrude A. Jeanglaude

Atty. Dkt. No.: 12693.0018.00US00
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APPLICATION FOR PATENT TERM ADJUSTMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL MAILING LABEL EV318621604US NUMBER DATE OF DEPOSIT: I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. <i>Barbi Sofia</i> Signature
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In response to the Determination of Patent Term Adjustment (PTOL-85) dated June 18, 2004, Applicant applies for recalculation of the patent term adjustment indicated under 37 C.F.R. § 1.705.

The issue fee due in this case is being paid with the accompanying papers.

Applicant hereby states:

i) The patent term adjustment shown on the Determination of Patent Term Adjustment (PTOL-85) is 0 days. Applicant has calculated that the correct patent term adjustment under 37 C.F.R. §§ 1.702–1.704 should be **155** days. Specifically, delay attributable to the PTO under 37 C.F.R. § 1.702(a)(1) was 183 days, while the delay attributable to the Applicant under 37 C.F.R. § 1.704 was 28 days.

ii) The applicable dates are as follows:

The application was filed on **October 18, 2002**.

The date that was 14 months after the filing date was thus **December 18, 2003**.

The first office action that was mailed was the notice of allowance mailed on **June 18, 2004**.

Accordingly, the applicable adjustment under 37 C.F.R. § 1.703(a)(1) for examination delay between December 18, 2003 and June 18, 2004 amounted to **183** days.

Although the PTO correctly calculated this adjustment, the PTO incorrectly calculated the reduction of term adjustment under 37 C.F.R. § 1.704. Specifically, Applicant requests a corrected adjustment for the following date shown on the enclosed PAIR screen printout:

Date	Contents Description
01-07-2004	Application Is Now Complete

The correct date for this entry should be February 28, 2003, the date on which the papers completing the application were filed in the Office by Express Mail under 37 C.F.R. § 1.10.

Evidence in support of the adjusted date is attached in the form of a copy of the return postcard, date stamped by the Office to acknowledge an Express Mail deposit date of February 28, 2003. By returning the postcard, the Office acknowledges receipt of the Response to Notice of Missing Parts (including authorization to charge any fees due), the fully executed Declaration & Power of Attorney, an Information Disclosure Statement, and the postcard itself.

Although Applicant submitted the priority document and formal drawings on December 17, 2003, the application was complete and in order for examination without them, and the Office made no request that they be submitted. Accordingly, the submission of these items at that time did not constitute an incomplete or supplemental reply that would constitute applicant delay under 37 C.F.R. § 1.704(c)(8)–(9). Rather, the Applicant's submission of the priority document and formal drawings in advance of any request by the Office expedited passage of the application to allowance.

iii) Any patent granted on this application is not subject to a terminal disclaimer.

iv) The Office mailed a Notice of Missing Parts on October 31, 2002. Applicant filed a response to the Notice of Missing Parts by Express Mail—Post Office to Addressee under 37



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C.F.R. § 1.10 on February 28, 2003. Under 37 C.F.R. § 1.704(b), the **28-day** period between the date three months after the mailing date of the Notice of Missing Parts (January 31, 2003) and the filing date of the Response in the Office under 37 C.F.R. §§ 1.6, 1.10 (February 28, 2003) is deemed a failure to engage in reasonable efforts to conclude prosecution of this application. Accordingly, the **183-day** term adjustment under 37 C.F.R. § 1.703 should have been reduced by **28 days** under 37 C.F.R. § 1.704(a), for a net term adjustment of **155 days**.

v) The undersigned attorney authorizes the Commissioner to charge the fee of \$200 under 37 C.F.R. § 1.18(e) to Deposit Account 01-2508, Order No. 12693.0018.00US00. A duplicate of this paper is attached for this purpose.

Applicant requests any extension of time that may be deemed necessary to further the prosecution of this application.

Applicant's representative authorizes the Commissioner to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 12693.0018.00US00.

Applicant respectfully requests that the Office directly contact the undersigned attorney by telephone to discuss any issues or questions presented by this paper.

Respectfully submitted,

Ira D. Finkelstein

Patent Attorney

Reg. No. 44,680

Tel. 713 787-1631

Date: _____